



Open PC-Based Machine Tool Controllers
for CNC and Factory Automation
for Power, Price & Ease of Use

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ATTN: Office of Petitions

December 29, 2003

Office of Petitions, Fax: 703-746-7239

Application/Control Number: 10/079,309
Art Unit: 2125

We received a "Notice of Abandonment" in error. After speaking with Mr. Albert Paladini on the telephone, his instructions were to write the Office of Petitions to strike the "Notice of Abandonment" and reactivate our patent submittal.

On 10 June 2003, the PTO sent us an "Office Action Summary" stating that we had three months to respond. A copy of this "Office Action Summary" is attached. On 12 August 2003 we responded to the 10 June 2003 "Office Action Summary" well within the three-month time frame. Attached is the "Auto-Reply Facsimile Transmission" coversheet generated by the PTO on 12 August 2003 at 6:36 p.m. indicating the PTO's receipt of our response to the 10 June 2003 "Office Action Summary." Inadvertently there was a clerical error stating that a reply was not received by the PTO within the three-month time frame.

On 27 August 2003, the PTO sent us another "Office Action Summary" stating that we had three months to respond. A copy of this "Office Action Summary" is attached. We believe that this "Office Action Summary" was in direct response to our 12 August 2003 patent resubmittal. On 12 November 2003, we resubmitted our patent again addressing the items listed in the 27 August 2003 "Office Action Summary." Attached is the "Auto-Reply Facsimile Transmission" coversheet generated by the PTO on 12 November 2003 at 07:06 p.m. indicating the PTO's receipt of our response to the 27 August 2003 "Office Action Summary."

As shown by the attached items, there has been a mistake. In all cases, we have responded to each "Office Action Summary" within the three-month time frame. It appears that your office lost the mailing correspondence sent to Mr. Albert Paladini on 12 August 2003 thus resulting in your statement that our 12 November 2003 submittal was past the expiration period of three months.

We also never received a "Notice of Final Rejection." We believe you may have confused our other Patent Application (Application/Control Number 10/036,174) with this Patent Application.

The PTO received our latest patent submittal on 12 November 2003. Please provide us with further instructions if we need to resubmit this patent submittal again.

Sincerely,

Gary J. Corey

21445 Bundy Canyon Drive, Wildomar, California, USA, 92595

Title of Invention: Multi-Axes Tool Compensation -- 3D and 5-axis real-time interactive tool compensation inside the CNC machine tool controller.

Attachments



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,309	02/21/2002	Gary John Corey		9106

7590 06/10/2003

Mr. Gary John Corey
21445 Bundy Canyon Road
Wildomar, CA 92595

EXAMINER

PALADINI, ALBERT WILLIAM

ART UNIT

PAPER NUMBER

2125

DATE MAILED: 06/10/2003

H

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

10/079,309

Applicant(s)

COREY, GARY JOHN

Examiner

Albert W Paladini

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Application/Control Number: 10/079,309
Art Unit: 2125

Page 2

1. The substitute specification filed on 5/8/03 has not been entered because it does not conform to 37 CFR 1.125(b) because: the statement as to lack of new matter under 37 CFR 1.125(b) is missing.

The amendment to the claims filed on 5/8/03 does not comply with the requirements of 37 CFR 1.121(c) because 4 new claims were added and no claims cancelled, and the amendment did not conform to 37 CFR 1.121(c) of the Manual of Patent Examining Procedure. Amendments to the claims filed after March 1, 2001 must comply with 37 CFR 1.121(c) which states:

(c) Claims.

(1) Amendment by rewriting, directions to cancel or add: Amendments to a claim must be made by rewriting such claim with all changes (e.g., additions, deletions, modifications) included. The rewriting of a claim (with the same number) will be construed as directing the cancellation of the previous version of that claim. A claim may also be canceled by an instruction.

(i) A rewritten or newly added claim must be in clean form, that is, without markings to indicate the changes that have been made. A parenthetical expression should follow the claim number indicating the status of the claim as amended or newly added (e.g., "amended," "twice amended," or "new").

(ii) If a claim is amended by rewriting such claim with the same number, the amendment must be accompanied by another version of the rewritten claim, on one or more pages separate from the amendment, marked up to show all the changes relative to the previous version of that claim. A parenthetical expression should follow the claim number indicating the status of the claim, e.g., "amended," "twice amended," etc. The parenthetical expression "amended," "twice amended," etc. should be the same for both the clean version of the claim under paragraph (c)(1)(i) of this section and the marked up version under this paragraph. The changes may be shown by brackets (for deleted matter) or underlining (for added matter), or by any equivalent marking system. A marked up version does not have to be supplied for an added claim or a canceled claim as it is sufficient to state that a particular claim has been added, or canceled.

(2) A claim canceled by amendment (deleted in its entirety) may be reinstated only by a subsequent amendment presenting the claim as a new claim with a new claim number.

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Application/Control Number: 10/079,309
Art Unit: 2125

Page 3

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

3. For the Applicant's information and benefit for future filings, the examiner performed an unofficial review of the new claims, which were not entered. The claims are incomplete in that they do not comprise either a set of elements, which operate together to perform a function, or they do not provide a set of process steps enabling a function to be performed. The preamble to claim 1 recites a number of capabilities of the "technology element," but the body of the claim does not support any of these capabilities. The body of the claim merely states that the user provides an input for preferences, and somehow the tool meets all the objectives. It would be analogous to stating that a user prepares a wish list, or a written list of requirements, and submits it to a machine, and then the machine performs all of the necessary functions to meet the user's requirements. The claims must demonstrate how the elements operate together to perform the function. The claims are incomplete for omitting essential elements or

Application/Control Number: 10/079,309

Page 4

Art Unit: 2125

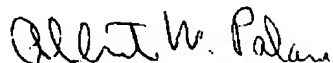
structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01.

4. Any inquiry concerning this communication or earlier communication from the examiner should be direct to Albert W. Paladini whose telephone number is (703) 308-2005. The examiner can normally be reached from 7:30 to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Leo P. Picard, can be reached on (703) 308-0538. The official fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239, and after final faxes should be directed to (703) 746-7238.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

June 6, 2003



Albert W. Paladini
Primary Examiner
Art Unit 2125

USPTO: 8/12/03 6:35 PAGE 1/1 RightFAX
TO: Auto-reply fax to 9096743110 COMPANY:

Auto-Reply Facsimile Transmission



TO:

Fax Sender at 9096743110

Fax Information

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08/12/2003 15:24 9096743110

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PAGE 01

August 12, 2003

Dear Mr. Albert Paladini
Patent Examiner
Fax: 703-746-7239

Application/Control Number: 10/079,309
Art Unit: 2125

Thank you for taking the time to assist us in properly preparing and submitting our latest claims. Per your instructions, we have amended our claims to demonstrate how the elements operate together to perform a function and we have included essential elements and structural cooperative relationships of these elements. The format of our amended claims is in accordance with 37 CFR 1.121(c) of the Manual of Patent Examining Procedure and the "Flyer for mailing with all Office actions by all TCs" which accompanied your latest communication to us mailed on 08/10/2003. Original Claims 1-8 have been canceled, restated or re-presented and Claims 9-11 have been added as either new claims or re-presented claims.

In addition, we have added three new drawings (FIG 7., FIG 8., and FIG 9.) to our patent application. A description of these new drawings has been added to the "BRIEF DESCRIPTIONS OF THE SEVERAL VIEWS OF THE DRAWINGS" section in our patent application along with the actual drawings.

We have resubmitted our patent application per your recommendations in today's mail.

Sincerely,

A handwritten signature in cursive script that reads "Gary J. Corey".

Gary J. Corey
21445 Bundy Canyon Drive, Wildomar, California, USA, 92585
Title of Invention: Multi-Axes Tool Compensation - 3D and 3-axes real-time
interactive tool compensation inside the CNC machine tool controller.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,309	02/21/2002	Gary John Corey		9106

7590 08/27/2003

Mr. Gary John Corey
21445 Bundy Canyon Road
Wildomar, CA 92595

EXAMINER

PALADINI, ALBERT WILLIAM

ART UNIT

PAPER NUMBER

2125

DATE MAILED: 08/27/2003 6

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 10/079,309		Applicant(s) COREY, GARY JOHN 8	
	Examiner Albert W Paladini		Art Unit 2125	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.
 Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☒ The proposed amendment(s) will not be entered because:

(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ they raise the issue of new matter (see Note below);

(c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

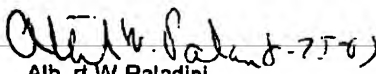
Claim(s) rejected: 1-8.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.

10. ☐ Other: _____


 Alb r W Paladini
 Primary Examiner
 Art Unit: 2125

Continuation Sheet (PTOL-303)
10/441,014

Application No.

Continuation of 2. NOTE: The amended claims do not describe elements operating together to perform a function. They name a single element, named "A technology element followed by a user entering information into the element. The claim ends with a statement that a "controller" performs some functions. There is not description of the interaction of elements to perform a function...

12/29/2003 12:55

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PAGE 11

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11/12/2003 7:22 PM

PAGE

1/001

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Received
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11/12/2003 16:07	9096743110	CAMSOFT	PAGE 01
November 12, 2003			
Dear Mr. Albert Paolini Patent Examiner Fax: 703-748-7239			
Application/Control Number: 10/079,308 Art Unit: 2125			
Thank you for taking the time once again to assist us in properly preparing and submitting our latest claims. Per your instructions, we have amended our claims to better demonstrate how the elements operate together to perform a function and we have included essential elements and structural cooperative relationships of these elements. The format of our amended claims is in accordance with 37 CFR 1.121.			
In addition, we are submitting both a clean version and a marked up version of our patent application in accordance with 37 CFR 1.125 due to the extensive nature of the amendments made. The clean and marked up versions have been mailed to your office today.			
Sincerely,			
 Gary J. Conry 21445 Bundy Canyon Drive, Wildomar, California, USA, 92685 Title of Invention: Multi-Axis Tool Compensation - 3D and 5-axis real-time interactive tool compensation inside the CNC machine tool controller.			